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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/369,391	08/06/1999	DANIEL H. ABELOW	03058/004002	6732

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/369,391

Applicant(s)

ABELOW, DANIEL H.

Examiner

Thomas A. Dixon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 2/27/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-107 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 72,90-96, 103 and 104 is/are allowed.
- 6) ☒ Claim(s) 48-71, 73, 76-78, 82, 87-89, 97, 105 and 106 is/are rejected.
- 7) ☒ Claim(s) 74-75, 79-81, 83-86, 98-102, 107 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/934,457.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1, 5</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Information Disclosure Statement

1. Copies of considered ids #1 and 5 are attached.

Response to Amendment and Arguments

2. The amendments and arguments have been considered and are convincing. The rejections and objections of the previous office action are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 74 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, it is unclear how the trigger is indicated by customer desires or user-set preferences.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 48, 51-60, 66-68, 73, 77, 82, 87, 97, 105-106 are rejected under 35 U.S.C. 102(e) as being anticipated by Orr, Join the information economy.

As per Claim 48.

Orr discloses:

the server storing value information indicative of the values of respective products, services, software or information as determined by users of the products, services, software or information, see page 2, lines 13-15;
software configured to:

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receive value information electronically from the client systems regarding what would make a product, service or information valuable, see page 2, lines 13-15;

store received value information, see page 2, lines 3-17;

in response to a trigger from one of the client systems, distribute the stored value information for the product, service or information electronically to one of the client systems, see page 2, lines 27-29.

As per Claim 51.

Orr further discloses the server is electronically accessible to users of a particular product, service software or information, see page 2, lines 3-15.

As per Claim 52.

Orr further discloses the value information comprises value judgements, see page 2, lines 3-15.

As per Claim 53.

Orr further discloses navigational pointers that point to information that a user has determined to be useful, see page 2, lines 3-7 and lines 27-29.

As per Claim 54.

Orr further discloses navigational pointers that point to a server that enables a user to invoke the server directly from the software application to obtain value information related to the user of the client system, see page 2, lines 3-7 and lines 27-29.

As per Claim 55.

Orr further discloses navigational pointers are displayed automatically, see page 2, lines 3-7 and lines 27-29.

As per Claim 56.

Orr further discloses the server prompts at least some of the client systems to supply additional value information to the server, see page 2, lines 3-15.

As per Claim 57.

Orr further discloses the server receives information from a client software application that periodically supplies additional value information to the server, see page 2, lines 3-15.

As per Claim 58.

Orr further discloses the server initiates delivery to the client systems of value information concerning products services, software or information of interest to the users of the client systems, see page 2, lines 3-15.

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As per Claim 59.

Orr further discloses the information is continually updated, see page 2, lines 13-15.

As per Claim 60.

Orr further discloses the server provides comments and ratings of products, services, software or information, see page 2, lines 3-15.

As per Claim 66.

Orr further discloses presenting distributed value information in text, graphics, summary descriptions and hypertext, see page 2, lines 3-15.

As per Claim 67.

Orr discloses:

a digital medium storing information generated by independent users about the value of products, services, software or information, the medium being coupled to an electronic communications network, see page 2, lines 3-17;

an electronic communication interface that receives the information from the users to the digital medium and sends stored value information from the medium to the users in response to actions of the users, see page 2, lines 27-29.

As per Claim 68.

Orr further discloses the users generate the new value information interactively while using the stored value information, see page 2, lines 3-15.

As per Claim 73.

Orr further discloses the stored value information comprises customer desires, see page 2, lines 9-10.

As per Claim 77.

Orr further discloses the stored value information distributed to one client system comprises value information received from another client system, see page 2, lines 13-17 and lines 27-29.

As per Claim 82.

Orr further discloses presenting distributed value information in hypertext, see page 2, lines 3-15.

As per Claim 87.

Orr further discloses the value information is performance, see page 2, lines 3-15.

As per Claim 97.

Orr further discloses actions are user requests, see page 2, lines 3-15.

As per Claim 105.

Orr further discloses navigational pointers (hyperlinks), see page 2, lines 3-15.

As per Claim 106.

Orr further discloses hyper text (hyperlinks), see page 2, lines 3-15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 49-50, 88 rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view of America Online Expands Internet Access.

As per Claim 49-50.

Orr discloses accessing a server, see page 2, lines 3-7.

Orr does not specifically disclose an internal network or the Internet.

America Online teaches a service which allows access to the AOL internal network and that network offering access to the internet, see lines 19-25, for the benefit of providing network access for a fee.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that the server accessed by Orr could be an internal network or the internet provided by the server for the benefit of user access to the system.

As per Claim 88.

Orr discloses accessing a server, see page 2, lines 3-7.

Orr does not specifically disclose the software is configured to share information with another server.

America Online teaches a service which allows access to the AOL internal network and that network offering access to the internet, see lines 19-25, for the benefit of providing network access and access to it's content for a fee.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that the server of Orr could be an internal network or the internet provided by the server to share information with another server for the benefit of user access to the system's contents.

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6. Claims 61-65, 69-71, 76, 78, 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orr in view of Kurland (4,603,232).

As per Claim 61.

Orr does not specifically disclose the software is configured to detect uses by the user of the software.

Kurland ('232) teaches a system which detects uses of the software by the user by polling the system periodically, see column 3, lines 39-65, for the benefit of collecting completed surveys.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to poll the system to detect uses by the user as taught by Kurland ('232) for the benefit of collecting completed user survey information.

As per Claim 62.

Orr further discloses the software is configured to prompt the user for an assessment of the value of the products, services, software or information used, see page 2, lines 3-15.

As per Claim 63.

Orr does not specifically disclose the assessment information is returned from the client to the server.

Kurland ('232) teaches a system which returns completed surveys from the client to a server by polling the system periodically, see column 3, lines 39-65, for the benefit of collecting completed surveys.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to poll the system to detect uses by the user as taught by Kurland ('232) for the benefit of collecting completed user survey information.

As per Claim 64.

Orr does not specifically disclose the assessment information is returned from the client to the server.

Kurland ('232) teaches a system which returns completed surveys from the client to a server by polling the system periodically, see column 3, lines 39-65, for the benefit of collecting completed surveys.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to poll the system to detect uses by the user as taught by Kurland ('232) for the benefit of collecting completed user survey information.

As per Claim 65.

Orr further discloses the server collects value information when a user uses the products, services or information on-line, see page 2, lines 3-32.

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As per Claim 69.

Orr does not specifically disclose digital filters configured to identify patterns of sources of value information and fetch the identified information over the network.

Kurland ('232) teaches a digital filters configured to identify patterns of sources of value and fetch the identified information over the network, see column 5, line 20 – column 6, line 41 for the benefit of providing surveys based on specific demographics.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use digital filters to detect patterns and fetch the identified information as taught by Kurland ('232) for the benefit of providing surveys based on specific demographics.

As per Claim 70.

Orr further discloses the services comprise video or sound files, see page 2, lines 3-32.

Orr does not specifically disclose filters configured to control the display of video or music.

Kurland ('232) teaches a digital filters configured to identify patterns of sources of value and fetch the identified information over the network, see column 5, line 20 – column 6, line 41 for the benefit of providing surveys based on specific demographics.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use digital filters to detect patterns and fetch the identified information as taught by Kurland ('232) for the benefit of providing video or music based on specific demographics.

As per Claim 71.

Orr further discloses providing information to the server about user preferences and making the information available to vendors of the products, service or information, see page 2, lines 9-10.

As per Claim 76.

Orr does not specifically disclose passive evaluation.

Kurland ('232) teaches a passive evaluation using digital filters configured to identify patterns of sources of value and fetch the identified information over the network, see column 5, line 20 – column 6, line 41 for the benefit of providing surveys based on specific demographics.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use digital filters to detect patterns and fetch the identified information as taught by Kurland ('232) for the benefit of providing surveys based on specific demographics.

As per Claim 78.

Orr does not specifically disclose the information is instructions.

Kurland ('232) teaches distributing instructions for use of the product, service or information, see column 7, lines 61-68 for the benefit of providing survey takers with help to understand the methodology of the survey.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide instructions as taught by Kurland ('232) for the benefit of providing survey takers with help to understand the methodology of the survey.

As per Claim 89.

Orr does not specifically disclose digital filters configured to identify patterns of sources of value information and fetch the identified information over the network.

Kurland ('232) teaches a digital filters configured to identify patterns of sources of value and fetch the identified information over the network, see column 5, line 20 – column 6, line 41 for the benefit of providing surveys based on specific demographics.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use digital filters to detect patterns and fetch the identified information as taught by Kurland ('232) for the benefit of providing surveys based on specific demographics.

Allowable Subject Matter

7. Claims 75, 79-81, 83-86, ~~98~~102, 107 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 74 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 72, 90-96, 103-104 are allowable.

10. The following is an examiner's statement of reasons for allowance:

As per Claim 72.

The prior art of record, specifically Kurland et al (4,603,232 in view of Frost (5,041,972) or Orr does not disclose or fairly teach:

the client device receives from the server additional value information recorded by other users, in response based on the user's interaction with the commodity, and the client device presents the additional value information to the user in the course of the user's interaction with the commodity.

The claims which depend from the above are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art Made of Record

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WO 94/03865 is applicant's PCT and is cited as the closest foreign art, but is not applicable datewise..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon
Examiner
Art Unit 3629

July 25, 2002